

September 14, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Board member Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Judy and Dave Whitten; Larry Williams; Betty Johnson; Belinda Jones; Mindy Bourne – Area Plan Commission; Bob Boerner; Larry Bogan; Pam Robinson – Posey County News; and arriving during the meeting, Mr. and Mrs. Chris Robinson.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report, other than everything seems to be running well at this time, along with having the new booster stations on line and running.

The Robinsons arrived at the meeting.

Supt. Gray reported the sludge treatment project they tried was a success and he would like permission to proceed with an agreement with Mr. Morrison. He added a contract will be needed, which of course, will need to be reviewed by Attorney Higgins.

Chairman Curtis agreed it should be reviewed by Attorney Higgins and then asked if Supt. Gray had any firm numbers as yet ?

Supt. Gray replied not yet and at this point, he is only asking permission to proceed with the contract process – anything further can be tabled until the next meeting.

Board consented to proceed.

Mayor Tucker asked about the low quote they received some time back on painting the Mulberry Tower ? Supt. Gray replied the quote was \$26,100.00, and the firm that submitted that is currently in West Lafayette doing some work.

Mayor Tucker stated the quote sounds reasonable, especially for the amount of work involved.

Chairman Curtis asked if Supt. Gray had that kind of money ?

Supt. Gray replied possibly out of the BAN's.

Attorney Higgins added she would need to look into that first to see if that money could be spent on this project.

Supt. Gray replied if it can not be paid from there, he really does not have the money anywhere else.

Attorney Higgins again stated she needs to look into that before they proceed.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker questioned the Financial Report.

Clerk-Treasurer Wolfe stated she has not seen it yet.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied they are in a holding pattern on the rate ordinance. She added by the next meeting Umbaugh should have figures for them on the hydrant rental fees.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Askren moved the meeting be adjourned. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Curtis, and Higgins attending. Councilwoman Hoehn was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Judy and Dave Whitten; Larry Williams; Betty Johnson; Belinda Jones; Mindy Bourne – Area Plan Commission; Bob Boerner; Larry Bogan; Mr. and Mrs. Chris Robinson; Pam Robinson – Posey County News; and arriving during the meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented. Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn was not present.

Mayor Tucker stated it appears Comm. Maynard is also not present.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit handed the Council copies of letters that will be going home with St. Matthews school children this week concerning their presence in the local schools. He continued by stating in conjunction with Safe Schools/Healthy Students, he did some school safety audits over the summer and then met with school administrators. He stated there will be officers in the schools a couple of times a week, walking the halls, talking to the kids, etc. He added not only is it good PR but they can then start to build up trust and hopefully kids will begin to open up about things they know are going on. He then stated there will be no full time presence, just those that are working the normal day shift schedule, as time permits.

Councilwoman Askren asked Councilman Fuelling, as a retired teacher, what he thinks ?

Councilman Fuelling replied it is a great idea, the kids need to get used to seeing an officer there.

Chief Beloit stated he feels it will eventually help the department as well, as the kids will start to open up after time.

Mayor Tucker asked if there were any questions ?

There were none.

Supt. Givens arrived at the meeting.

Fire Chairman Fuelling stated he Chief Waters has no report.

Chief Waters stated he actually does now, as he would like to pay the paid on-call volunteers quarterly instead of monthly, but Attorney Higgins will be address this later under Legals.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report, but believes Supt. Givens has a Phase I update.

Supt. Givens stated the contractor is moving right along down Water Street, with only two more blocks to go before they hit Sawmill, the ending point. He added the manhole rehabilitation is going very well with 20+ complete of the 30. He then stated the poles have been set at E & S Housing for the new lift station and it appears the entire project will be completed before the December 31, 2009 deadline. – everything seems to be on track.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the Vac Con truck rental rate ordinance but she believes Supt. Givens is still getting prices for that.

Supt Givens replied actually Aaron with BLA just got some rates to him and he believes they were sent to Comm. Maynard as well.

Councilwoman Higgins stated they seem a little low to her.

Attorney Higgins agreed but added the city would only be doing work in emergency situations, or as ordered by the city or department head, etc.

Supt. Givens agreed and added it will be up to the city whether or not they take on a job and he further agrees that he does not want to take business away from the private sector.

Councilwoman Askren asked if the city can stay with the \$230/hr figure ?

Supt. Givens stated he just doesn't want folks to call the city for this type of work because they can do it cheaper. He added the \$90/hour as given to them from BLA, won't go very far on equipment repair, the city assumes that risk. He added he is ok with \$90/hour but going on the high end is fine with him too.

Attorney Higgins stated they will actually have two rates to form one combined rate – the rate for the operator and the rate for equipment rental.

Councilman Curtis stated at \$230.00 the operator rate is \$65/hour and the equipment rental rate is \$165/hour.

Attorney Higgins added Comm. Maynard has a whole list of equipment along with operator rates. She added the rates can always be revised by the Board of Works once they have been established. She stated she will let Comm. Maynard know what was decided and then draft the ordinance for the next meeting.

Attorney Higgins stated the next item is the first reading on the Ordinance to Establish Appropriations and Tax Rates for the City of Mount Vernon for the Year Ending December 31, 2010. She added the County Council last week had their non-binding review of the budget and gave it a positive non-binding recommendation.

Councilman Curtis asked if they have received all of the 2008 tax settlement yet ? He then asked to see the bottom line for 2008 – what was received vs what was spent out.

Clerk-Treasurer Wolfe replied she can get that to him.

Councilwoman Askren moved the ordinance pass first reading. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the ordinance passed first reading.

Attorney Higgins stated the next item is the first reading of the Ordinance Establishing Salaries and Wages for Appointed Officers and Employees of the City of Mount Vernon, IN for the Year Ending December 31, 2010. She then stated there is a change to the draft they have before them on page 3 under FIRE – paid on-call should be changed from paid MONTHLY to being paid QUARTERLY.

Councilman Fuelling moved the ordinance pass first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the ordinance passed first reading.

Attorney Higgins stated the next item is Resolution Establishing the TIF Deposit Fund. She added this is for the TIF area at the Bulkley property and it is also an in and out fund. Clerk-Treasurer Wolfe receives a check from the County Auditor which will be deposited into this fund and then a check is written out to the paying agent. This Resolution sets the fund itself up in order to separate the money from the rest of the city money.

Councilman Fuelling moved the Resolution be approved. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – absent;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 09-24.

Attorney Higgins stated at the next meeting they will have an Ordinance of Additional Appropriations for MVH for the lightening loader and Clerk-Treasurer Wolfe may have some other additional to add, as to cut down on the cost by only having one publication.

Mayor Tucker stated in the Audience is Mindy Bourne, of the Area Plan Commission.

Ms. Bourne stated she is present to discuss the zoning ordinance, of which her office works with and enforces five of them for Posey County. She added the APC reviews these ordinances frequently and they all have many amendments – ideally, all ordinances should be kept current. She then stated, as Councilwoman Askren can attest to, the APC started this process and it was extremely overwhelming. She then stated the comprehensive plan was adopted last year and this plan and the zoning ordinance should tie in together. She added they have contacted BLA for a quote on incorporating all five ordinances into one, to provide for consistency, etc., that quote being \$25,000. She then stated money seems to be a problem for everyone involved and she totally understands that, but she feels the county should pay the bigger portion of that fee. She also stated she has been searching for grants but there are none available at this time. She concluded by stating she is really just asking for the Council's feelings on trying to pursue this.

Councilwoman Higgins stated she is 100% behind it – especially considering the political sign ordinance fiasco they had a year or two ago.

Ms. Bourne added again, consistency is essential in zoning issues, especially when it comes to special uses.

Councilman Curtis agreed the zoning needs to be easier and more consistent and it would be if all five ordinances were combined into one.

Ms. Bourne agreed that would be great, having everything in one book instead of five.

Councilwoman Askren stated she also agrees, but added money is a problem.

Ms. Bourne replied she totally understands.

Council consented to proceed.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Larry Williams approached and presented the City with a flag and Certificate of Flag Presentation. He read the certificate that stated the flag, used is the River Days opening ceremony, was flown over the USS

Arizona on July 4 of this year. He added he is proud to donate the flag to the City and would like to see it displayed at City Hall.

Mayor Tucker thanked Mr. Williams for the generous donation, quite an honor for the city.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

Chris Robinson stated he lives at 1002 W. 2nd Street and has talked with Council members Fuelling, Curtis and Askren about closing parking on the west side of Mann Street to the alley. He added the street is narrow and there has been a bicyclist hit there recently. He stated he is trying to look out for kids as there are many semis, fuel trucks, etc on that narrow street. Again, closing parking on the west side of the street would affect no one but himself.

Councilwoman Askren stated she understands what Mr. Robinson is going through.

Mr. Robinson replied they all should as he has talked with the entire council, it is a bad situation.

Councilman Curtis added he has been down there many times and he understands the situation. He further stated his concern with the request is that it does affect people besides Mr. Robinson – it affects anyone wanting to park down there, and it sets a precedent. Again, he stated, he can sympathize with Mr. Robinson.

Mr. Robinson asked if this is dead issue then ?

Councilman Curtis stated he can only speak for himself.

Councilman Fuelling stated he agrees with Councilman Curtis on this issue.

Mr. Robinson thanked the Council for their time and then left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilwoman Higgins stated she would like to thank the City and all City Department Heads for their efforts and hard work to make River Days a great event. She added she appreciates all the support River Days received.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the Reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated all is well.

3rd District Councilwoman Hoehn was not present.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated they are having issues again on Kimball at the curve to Bluff Road. She added the grain trucks are going through the stop signs, and after a call to Comm. Maynard for additional signs and warning devices, they are still doing it. As a matter of fact, one of the signs has already been knocked over.

Belinda Jones approached and stated she puts her child on the bus there everyday and someone is going to get hit or killed. She stated the trucks are constantly running stop signs and bus arms. She added she has been fighting this same thing for quite some time now but she is getting nowhere.

Councilwoman Higgins agreed the signs are not working. She asked Chief Beloit for some insight.

Chief Beloit stated he and Comm. Maynard have both been down there and he would also like to see the semis off Kimball Street, but it isn't going to happen right now.

Ms. Jones stated they fly around Kimball.

Chief Beloit agreed.

Ms. Jones asked why they can't go out that same way ?

Chief Beloit stated Kimball is not set up for semi traffic, period, and it is worse right now due to the construction on Highway 62. He added Ms. Jones' complaint is legitimate. He added his department can write tickets, but not everyday, all the time. He then stated they can do that, but the drivers will just do it again anyway. He stated the only permanent solution is to get the trucks off Kimball.

Ms. Jones added they also go off into her yard.

Councilman Curtis stated he feels intermittent enforcement may be the best option here – no pattern of any kind, no set schedule.

Chief Beloit replied that is what they have been doing.

Ms. Jones added they are kids running in and out of the area all the time, and Kimball Park is right there as well.

Chief Beloit stated he totally agrees with her, he wants trucks off of there too.

Councilwoman Askren stated at one point the city told the port they were having issues down there and it worked for awhile.

Ms. Jones agreed.

Chief Beloit stated until there is a permanent solution this will happen.

Councilman Fuelling wondered about a sign before the stop sign stating “absolutely no truck traffic beyond this point” – and if they proceeded, they would be fined.

Ms. Jones relied 2nd and Kimball is bad.

Councilman Curtis agreed and added if folks are running stop signs, they need to be ticketed, no warnings.

Chief Beloit stated they can try that approach again and give CGB information for them to hand out to their drivers informing them.

Councilwoman Higgins agreed Chief Beloit should proceed with contacting CGB, as visual aids did not help.

Chief Beloit added they can also patrol the area.

Councilman Curtis agreed to the step up in enforcement, though it will not be a cure all.

Mayor Tucker congratulated the River Days Committee on a great event, great job well done, and he heard many great comments over the weekend. He then stated if there was no further business, he entertained a motion to adjourn.

Councilman Curtis moved the meeting be adjourned. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

